



# *The Choice is Yours*

## *Supported Decision-Making and Self-Determination in Arizona*

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**Arizona Employment First: Topics & Tactics**

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# *Why Try Supported Decision-Making?*



“Individual liberty and interdependence are both essential for life in society.”

- Mahatma Gandhi

# *What are Decision-Making Supports?*

Formal and informal ways people can have others help them make decisions:

- Advice and Guidance
- Representative Payee
- Powers of Attorney for Financial and Health Care Matters
- Supported Decision-Making

# *We Use Decision-Making Supports Every Day...*

Think about common choices you make:

- Which job to do
- Where to live
- What to have for dinner
- ...and the list goes on

# *Legally-Recognized Decision-Making Supports*

## *Guardianship, Limited Guardianship, Alternatives, Supported Decision-Making*

Type of Decision-Making	Level of Restriction
Guardianship	Most restrictive
Limited Guardianship	Restrictive, less than full guardianship
Alternatives (POA, HPOA, Rep Payee)	Somewhat restrictive depending on alternative
Support Decision-Making	Least Restrictive

# *What is Supported Decision-Making?*

- Supported Decision-Making (SDM) can be used by anyone, including people with I/DD, people with mental health issues, seniors
- SDM can be informal or formal
- Person using SDM chooses a team of people to help him/her make decisions
  - Supporters agree to be available for advice and assistance
  - Supporters do not make decisions for person using SDM, except in specific circumstances

# *What is Supported Decision-Making?*

- Increasingly, around the world, there is legal recognition of SDM agreements
- Texas was first US state to pass a law recognizing SDM agreements
- 40 states plus DC currently recognize, with several more pending

# *SDM is An Exercise in Interdependence with Dignity*

“Life doesn’t make any sense without interdependence. We need each other, and the sooner we learn that, the better for us all.”

- Erik Erikson



# *Three Pillars of SDM*

- Self-Determination
- Presumed Competence
- Dignity of Risk

# Self-Determination

People with intellectual and/or developmental disabilities (I/DD) have the same right to, and responsibilities that accompany, self-determination as everyone else. They must have opportunities, respectful support, and the authority to exert control in their lives, to self-direct their services to the extent they choose, and to advocate on their own behalf.

Including:

- The right to take risks
- The right to choose their own allies
- The right to lead in decision-making about all aspects of their lives

*(excerpts from The Arc's Position Statement on Self-Determination)*

# *Presumed Competence*

## **pre·sume com·pe·tence**

pri 'zōm/ 'kämpetəns/

To presume competence is to acknowledge that all individuals have the ability to learn, to communicate, to participate in their own way. It means that we provide opportunities by creating accessible & inclusive spaces.

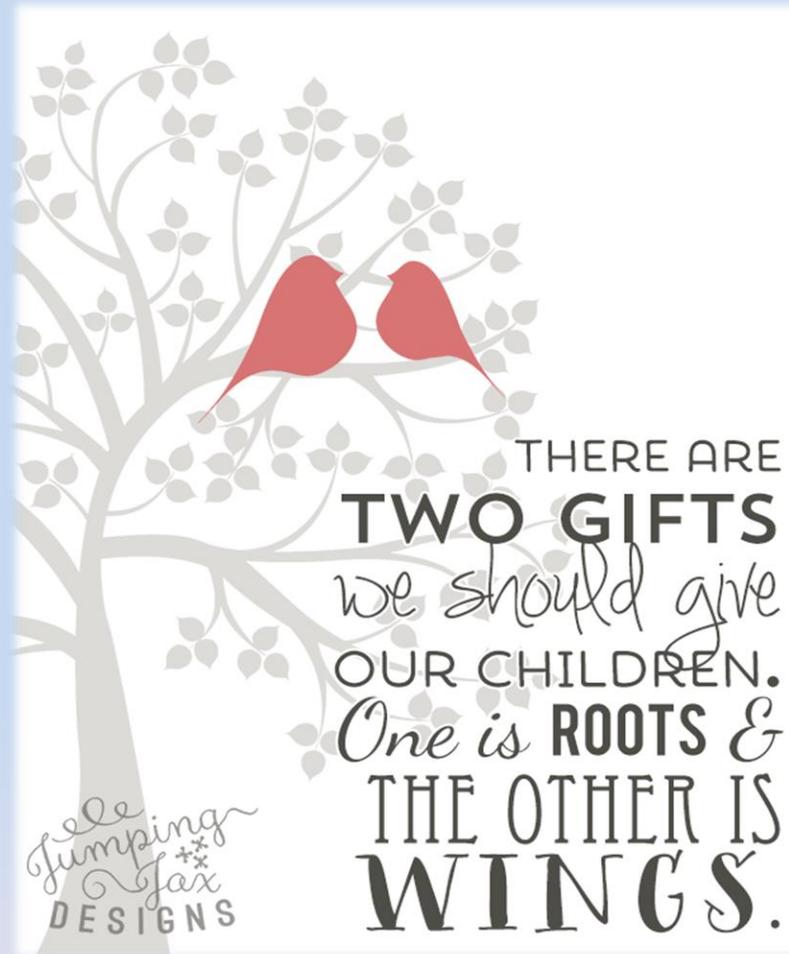
To presume competence is to respect the value of human diversity.

Not presuming competence is to actively harm.

# *Dignity of Risk*

- The concept that acknowledges risk is a natural part of life that helps all people learn and develop
- The freedom to make mistakes, to make decisions for ourselves, even if others believe that that choices could be in error.

# Conflicting Points of View



# *Differentiating SDM from PCP*

## **Supported Decision-Making**

- *Focuses on creating a process*
- *Affects interactions with the world*
- *Covers the universe of decisions*

## **Person-Centered Planning**

- *Focuses on setting goals*
- *Affects interactions with agencies*
- *Covers activities within agencies' purview*

# *SDM Alternatives to Guardianship*

- Third-party financial management
- Specified case management/support coordination
- Advance directives
- Limited or standby guardianship - *when properly applied*

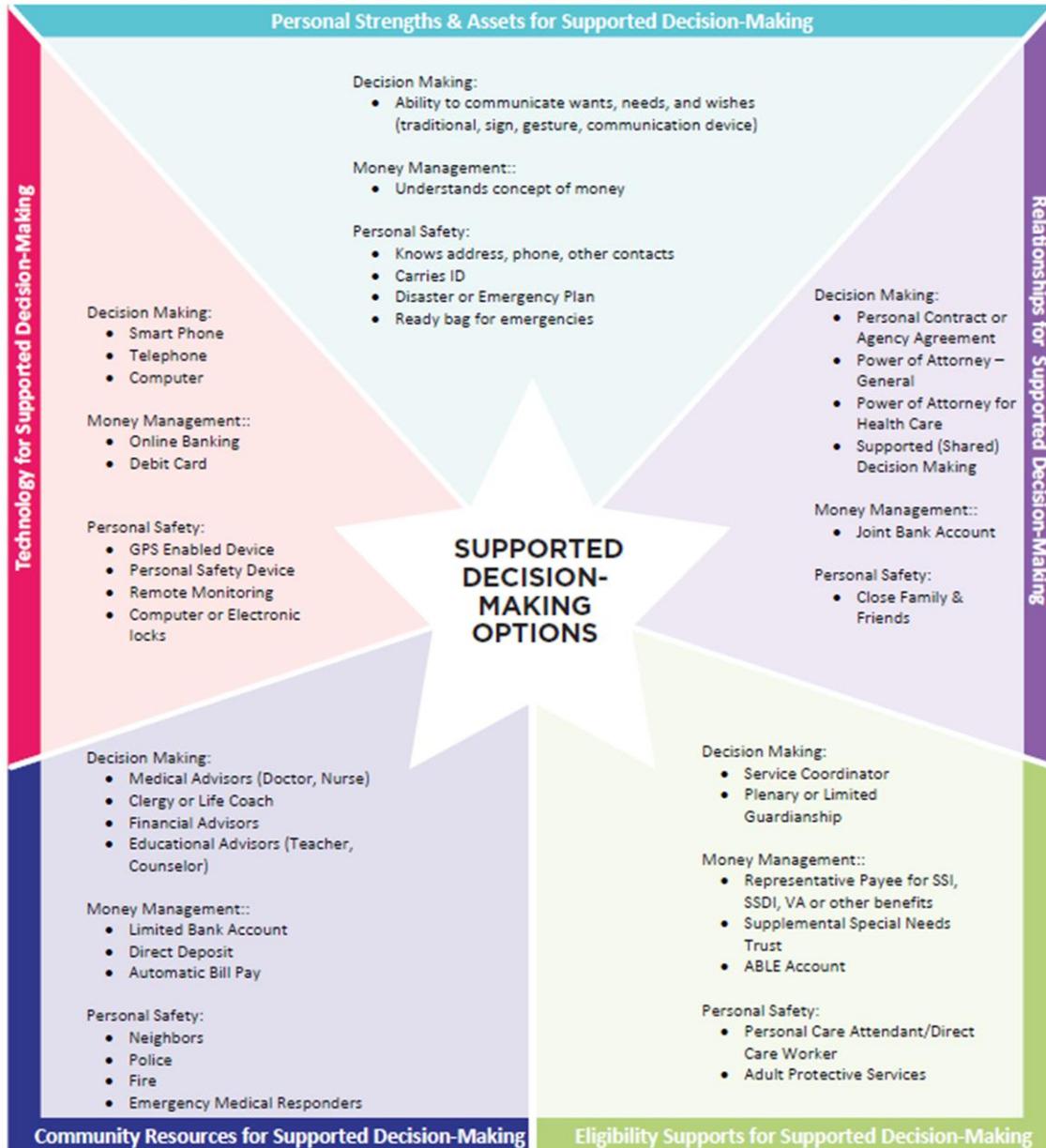
# *Supported Decision-Making In Practice*

- How does it work?
  - Flexibility and freedom
  - Maximal autonomy
  - Safeguards in place
- What does it look like?
  - Support team; members chosen for expertise
  - Individual is team captain
  - Supporters act as teammates and coaches
  - Formal agreement for all parties



## INTEGRATED SUPPORTS STAR | SUPPORTED DECISION-MAKING

Using a combination of lots of different kinds of support helps to plot a trajectory toward an inclusive, quality, community life. This star will help families and individuals think about how to work in partnership to support their vision for a good life.



Developed by the Charting the Life Course Nexus – [LifeCourseTools.com](http://LifeCourseTools.com)  
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# *Where It Works*

Outside U.S., notable nations with Co-Decision Making acts include:

- Australia
- Canada
- Ireland
- Israel
- Sweden
- United Kingdom
- Bulgaria
- Croatia
- Peru
- Czech Republic

# *Where It Works*

## Effective SDM Laws:

- Recognize right of person with disability to:
  - Voluntarily enter into SDM agreement with supporter(s)
  - Determine scope of agreement
  - Terminate agreement
- Specify protections against abuse, neglect, exploitation
- Provide templates of required content
- Mandate reporting

# *What SDM Promotes*

- **Increased Independence**
  - Promotes self-advocacy and self-determination
- **Improved Safety**
  - Popular belief that guardianships are safer
  - SDM can increase safety, creating network of people who are actively involved, reducing risk of abuse by single decision-maker
- **Reduced Stigma**
  - Recognizes that all people, with or without disabilities, use support to make decisions
- **Flexibility**
  - Agreements can easily be updated or terminated as needs change

# *Why does this matter in Employment?*

# *Exploring Employment Options*

- Starts with personal interests
  - Open playing field
  - Encourages creativity & self-reflection
- Process of exploration & evaluation
  - Requirements - skills, training, etc.
  - Status & evolution of job market
  - Personal commitment
- Identification of necessary supports

# *Expanding Career Potential*

- Range of options
  - Based on person's wishes, desires, dreams
  - No predetermined limitations
- Job coach isn't only source of support
  - Team assembled based on expertise
  - Supporters offer guidance, perspective, benefit of professional knowledge
- Choices are made by individual
  - Utilizes input from various sources
  - Accepts responsibility for decisions & outcomes
  - Pursues opportunities with ongoing assistance
- Adaptable over time

*So...why not try  
Supported Decision-  
Making?*

# *Barriers to Acceptance*

- Limited experience
  - Few examples from which to learn
  - Brief history of U.S. laws
- Lack of conceptual understanding
  - Policymakers
  - Support providers
  - Individuals & family members
- Concerns about coercion & abuse
- History of third-party authority

# *Barriers to Acceptance*

- Individual & institutional attitudes
  - Fear
  - Uncertainty of political climate
  - Equity
- Individualized approach
  - Not cookie-cutter solution
  - Investment of time, expertise, money
- Institutional inertia: Power of the Status Quo

# *Overcoming Barriers - Education & Advocacy*

- Individuals with disabilities
- Communities
  - Grassroots - families & support networks
  - Advocacy & service organizations
- Professionals
  - Legal
  - Healthcare
  - Finance
  - Education

# *Overcoming Barriers - Education & Advocacy*

- Housing providers
- I/DD Service Providers
- State & Federal Governments
  - Agency leadership
  - Legislators
  - Courts

# Overcoming Barriers - Systems Change

- Focus on individual, not expedience or preservation of system
- SDM options first consideration; guardianship as last resort
- Safeguards built into SDM structure
- Understanding & acceptance of risk
  - Trial & error
  - Ongoing training, revision, reinforcement
- Collective action - *It Takes a Village*

# *Creating A Supported Decision-Making Reality in Arizona - Together*

- Next steps:
  - Continue educating communities and stakeholders
  - Increase awareness of SDM & other alternatives
  - Encourage employment-seeking individuals and caregivers to try SDM first
  - Expand adoption of SDM

# *Resources*

**The Arc of Arizona**

<https://arcarizona.org/idd-and-18-now-what-future-planning-resources/>

**National Resource Center for Supported Decision-Making**

<http://supporteddecisionmaking.org/>

**Center for Public Representation**

<https://supporteddecisions.org/>

**American Bar Association**

[https://www.americanbar.org/groups/law\\_aging/resources/guardianship\\_law\\_practice/supported-decision-making/](https://www.americanbar.org/groups/law_aging/resources/guardianship_law_practice/supported-decision-making/)

**The Arc Wisconsin - Learn about Supported Decision-Making in Wisconsin**

<https://arcwi.org/2018/04/13/supported-decision-making/>

**The Arc's Center for Future Planning**

<https://futureplanning.thearc.org/>

# Questions?

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